

# 87-98 13 PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DP-16, BR, BRCS1 zone to an RAE-2 zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Hampton Apartments Joint Venture

(Type or Print Name)

Signature

John Dormant, General Partner

(Type or Print Name)

Signature

8403 Loch Raven Boulevard 661-1100

Address

Baltimore, Maryland 21204

City and State

Name, address and phone number of legal tract purchaser or representative to be contacted:

John B. Howard

Name

210 Allegheny Avenue

Towson, Maryland 21204

Address

City and State

Phone No.

Attorney's Telephone No.: 823-4111

BABC-Form 1

DAFF-MCCLE-WALKER INC.

200 East Pennsylvania Avenue  
Towson, Maryland 21204  
Telephone: 410-296-3333  
Land Planning Consultants  
Landscape Architects  
Engineers & Surveyors

Description

Description To Accompany Petition For Zoning Reclassification.

7.35 Acre Parcel, Southwest Side of Yorkward Road,

Southeast Side of Dunvale Road,

9th Election District, Baltimore County, Maryland.

Beginning for the same on the centerline of Yorkward Road, 60 feet wide, at a point situate South 31 degrees, 25 minutes 19 seconds East 229.10 feet measured from the intersection of the centerline of Lambourne Road, 60 feet wide, with said centerline of Yorkward Road, thence leaving said point of beginning and running and binding on said centerline of Yorkward Road (1) North 31 degrees 25 minutes 19 seconds West 358.52 feet, thence leaving said centerline of Yorkward Road and running and binding on the centerline of Dunvale Road, 60 feet wide, the two following courses and distances viz; (2) Northwestly by a line curving to the left with a radius of 230.00 feet for a distance of 364.56 feet (the arc of which is subtended by a chord bearing North 76 degrees 49 minutes 49 seconds West 327.58 feet), and thence (3) South 57 degrees 45 minutes 41 seconds West 340.17 feet, thence leaving said centerline of Dunvale Road and running the six following courses and distances viz; (4) South 31 degrees 41 minutes 44 seconds East 130.51 feet, thence (5) North 58 degrees 28 minutes 53 seconds East 20.00 feet, thence (6) South 31 degrees 41 minutes 44 seconds East 200.00 feet to the Northwest side of Lambourne Road, 50 feet wide, thence (7) South 09 degrees 52 minutes 24 seconds East 53.79 feet to the Southeast side of Lambourne

Page 1 of 2

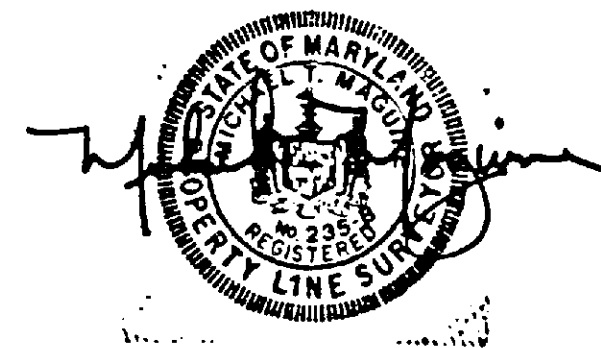
Road, 50 feet wide, thence (8) South 31 degrees 41 minutes 44 seconds East 204.10 feet, and thence (9) North 58 degrees 28 minutes 53 seconds East 570.62 feet to the point of beginning.

Containing 7.35 acres of land, more or less.

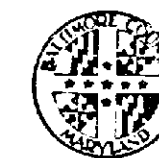
Note: This description has been prepared for zoning purposes only and is not intended to be used for conveyance.

Our Job No. 85133 (OD:L85133)

February 25, 1986



Page 2 of 2



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

December 3, 1986

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING RECLASSIFICATION  
SW/S of Yorkward Rd., SE/S Dunvale Rd.,  
NW and SE/S of Lambourne Rd.  
9th Election District  
Hampton Apartments Joint Venture - Petitioner  
Case No. R-87-98 (Cycle III, Item No. 13)

Dear Mr. Howard:

This is to advise you that \$152.75 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. Margaret F. du Bois, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon  
Zoning Commissioner

AJ:med

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY

210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21204

February 27, 1986

JAMES D. C. DOWNES  
(1906-1979)  
TELEPHONE  
(301) 823-4111  
TELECOPIER  
(301) 821-0147

JAMES H. COOK  
JOHN B. HOWARD  
DAVID D. DOWNES  
DANIEL O. TRACY, JR.  
JOHN M. ZINK, III  
JOSEPH C. WICH, JR.  
HENRY B. PECK, JR.  
HERBERT R. O'CONNOR, III  
THOMAS L. HUDSON  
C. CAREY O'LEARY, JR.  
GEORGE K. REYNOLDS, III  
LAWRENCE L. HOOPER, JR.  
H. KING HILL, III  
ROBERT A. HOFFMAN  
DEBORAH C. DOPKIN  
CYNTHIA H. HAHN  
KATHLEEN M. GALLOGLY  
KEVIN H. SMITH  
H. BARNETT PETERSON, JR.

The County Board of Appeals  
of Baltimore County  
Second Floor  
Old Court House  
Towson, Maryland 21204

Re: Petition for Reclassification  
Property located at Fairmount  
and Yorkward Roads  
Proposed Zoning RAE-2  
Ninth Election District  
Hampton Apartments Joint Venture - Petitioner

Dear Board Members:

This firm represents the Hampton Apartments Joint Venture which is seeking the RAE-2 classification of property located at Fairmount and Yorkward Roads. The present zoning classification for the bulk of the property is DR16 with a small amount of BR and BR-CS1.

Briefly, by way of background, the subject property was designated by vote of the Planning Board on February 26, 1985, to be within the Towson Town Center as defined in section 101 of the Baltimore County Zoning Regulations (BCZR).

Contained in the final addendum to the Towson Town Center Plan, adopted by the County Council on January 5, 1981, is a map of Towson showing the proposed zoning for various properties within the Town Center. That map, attached hereto as Exhibit 1, shows by shading two rather substantial areas of RAE-2 zoning. By comparison to the 1984 Comprehensive Zoning Map for the area, attached hereto as Exhibit 2, it is readily apparent that the areas of RAE-2 zoning (shaded on Exhibit 2) have been substantially reduced in size.

The County Board of Appeals  
of Baltimore County  
February 27, 1986  
page 2

In fact, a visual inspection of these sites shows that they are not being utilized as intended by the RAE-2 zone: the property on Joppa Road, east of Fairmount Avenue, has been developed in part as an office building and the remaining RAE-2 portion does not appear practical for residential use; the area of RAE-2 zoning on Fairmount Avenue has been developed as the "Edenwald" life care facility across from the Towson Town Center shopping mall, the remainder having been rezoned BM-C1 and used commercially.

The alternative development of each of these RAE-2 zoned sites eliminates a suitable location for high density, residential housing that would provide a "walk to" relationship between residential and commercial/office uses. Petitioner submits that the Council could not have intended there be no useable RAE-2 zoning within the Towson Town Center.

Pursuant to section 201.1 BCZR, the statement of legislative policy for the RAE-2 zone reads as follows:

RAE-2 zones provide for development of elevator-apartment buildings at relatively high density in residential settings close to major commercial and cultural centers of the County, where ample utilities and other public facilities are available.

Currently, there is no adequate RAE-2 zoned area close to the major commercial and cultural center of Towson available for the intended elevator apartment development noted in the above statement of policy.

A lack of residential zoning is also in conflict with the County wide Master Plan, adopted November 19, 1979, which, at paragraph 44 of the land use element, calls for a "reinforcement" of the Towson Town Center. Without the capacity for residential development, there can be no reinforcement since a "walk to" relationship is essential to the town center concept.

Moreover, at page 19 of the land use element of the Master Plan, the Towson Town Center is cited as well suited for "residential intensification", which under present zoning, without adequate RAE-2 zoning, is unlikely to take place.

The County Board of Appeals  
of Baltimore County  
February 27, 1986  
Page 3

For these reasons, Petitioner respectfully submits that the County Council erred in its adoption of the 1984 Comprehensive Map by allowing the subject Town Center property to remain in its current zoning classifications without providing adequate high density, high rise residential housing within or near the Towson Town Center.

As substantiated above, it is submitted that placing the RAE-2 zoning classification upon this property would be in keeping with the legislative policy of the RAE-2 zone, and the intent of both the Towson Town Center and Baltimore County Master Plans to provide adequate residential development within the town center.

Petitioner therefore respectfully requests that this Petition for Reclassification be granted.

Yours truly,

John B. Howard

JBH/jhr  
Enclosures

PETITION FOR RECLASSIFICATION

Property located at Fairmount and Yorkward Roads

Proposed Zoning - RAE-2

Ninth Election District

Hampton Apartments Joint Venture - Petitioner







IN THE MATTER OF THE PETITION  
FOR ZONING RECLASSIFICATION  
FROM D.R. 16; B.R.; B.R.-  
C.S. 1 TO R.A.E. 2 ZONE  
SW/S of Yorkward Rd., SE/S of  
Dunvale Rd., 9th District

HAMPTON APARTMENTS JOINT  
VENTURE, Petitioner

ENTRY OF APPEARANCE

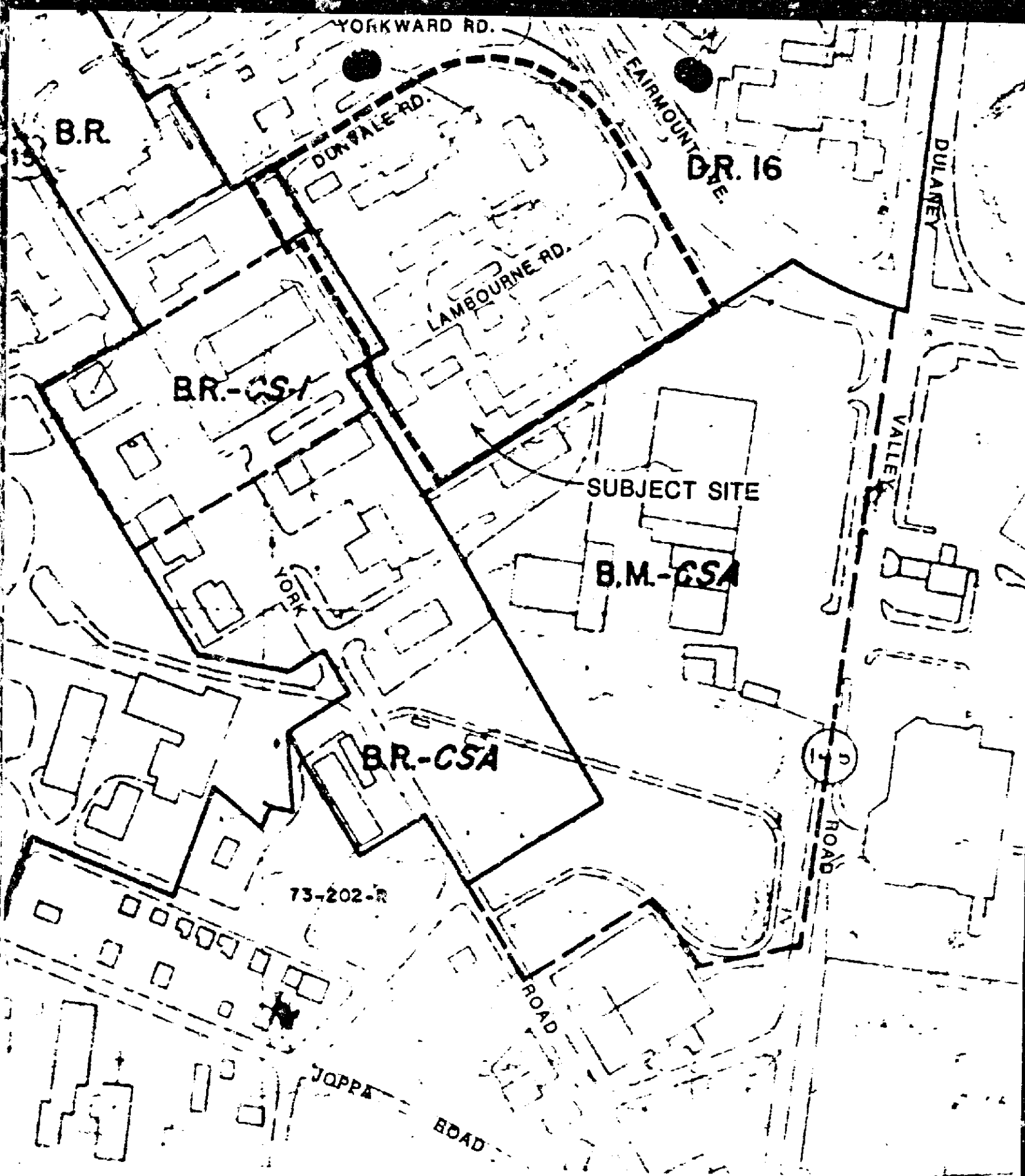
Please enter the appearance of the People's Counsel in the  
above-captioned matter. Notices should be sent of any hearing dates or  
other proceedings in this matter and of the passage of any preliminary  
final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 5th day of August, 1986, a copy  
of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire,  
210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

*Peter Max Zimmerman*  
Peter Max Zimmerman



RAE-2 RECLASSIFICATION REQUEST  
PORTION OF ZONING MAP NE-10A

J.O. 85133

SCALE: 1"=200'

"DUPLICATE"  
CERTIFICATE OF PUBLIC TION

TOWSON, MD., November 19, 1986

THIS IS TO CERTIFY, that the annexed advertisement was  
published in the TOWSON TIMES, a weekly newspaper printed  
and published in Towson, Baltimore County, Md., appearing on  
November 19, 1986.

TOWSON TIMES,

Publisher

"DUPLICATE"  
CERTIFICATE OF PUBLICATION

TOWSON, MD., November 20, 1986

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper printed  
and published in Towson, Baltimore County, Md., appearing on  
November 20, 1986.

THE JEFFERSONIAN,

*Susan Shuler Obrecht*  
Publisher

Cost of Advertising  
444.00

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

October 23, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION  
SW/S Yorkward Rd., SE/S Dunvale Rd., NW and  
SE/S of Lamourne Rd.  
9th Election District  
Hampton Apartments Joint Venture - Petitioner  
Case No. R-87-98 (Cycle III, Item No. 13)

TIME: 9:30 a.m.

Wednesday, December 10, 1986

DATE:

PLACE: Room 218, Courthouse, Towson, Maryland

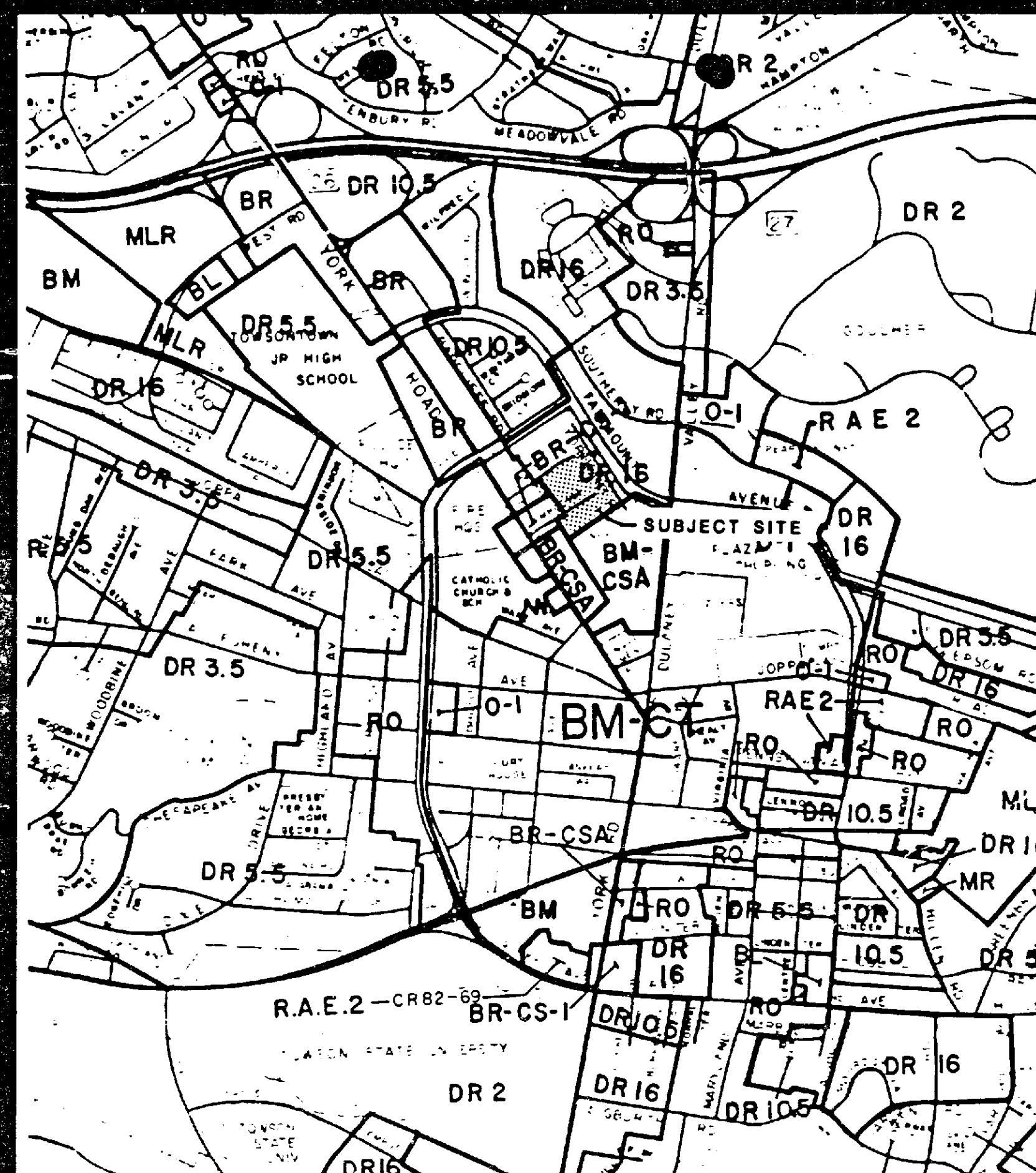
*William T. Hackett*  
William T. Hackett, Chairman  
County Board of Appeals

WTH:med

cc: Mr. John Dormant  
Hampton Apartments Joint Venture  
8403 Loch Raven Boulevard  
Baltimore, Maryland 21204

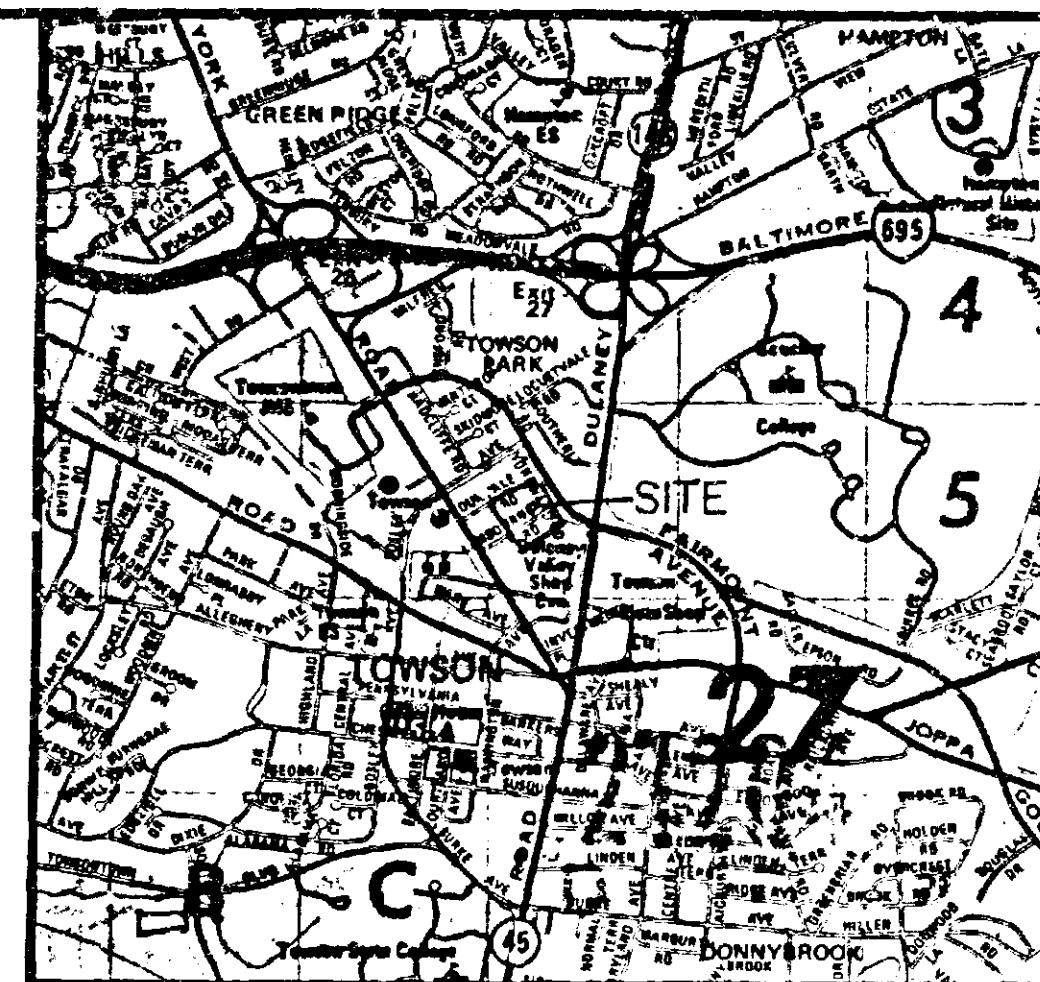
THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND  
POSTING COSTS WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS  
FEE MUST BE PAID AND THE SIGN AND POST RETURNED TO ROOM 113, COUNTY OFFICE BUILDING,  
111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND ON THE DAY OF THE HEARING OR THE ORDER  
WILL NOT BE ISSUED.

W.T.H.





D.R. 16



LOCATION MAP 1" = 2000'

General Notes

1. Existing Zoning: BR, BR-CS-1, DR-16
2. Existing Use: Garden Apartments
3. Proposed Zoning: RAE-2
4. Area of Proposed RAE-2: 7.35 Acres +/-
5. Area of Title Parcels: 5.903 Acres +/-
6. Subject property is within the limits of the Towson Town Center as designated by the Planning Board on February 26, 1985.
7. Subject property is in Ninth Election District and Fourth Councilmanic District.
8. This plat has been prepared from deeds and other title sources and does not represent a survey of the property.

B.R.

D.R. 16

III -13

DAFT · McCUNE · WALKER INC.  
LAND PLANNING CONSULTANTS  
LANDSCAPE ARCHITECTS  
ENGINEERS  
200 EAST PENNSYLVANIA AVE.  
TOWSON, MD 21204  
TELEPHONE: 301-296-3333

PLAT TO ACCOMPANY PETITION  
FOR THE PURPOSE OF  
ZONING RECLASSIFICATION

9TH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

| DATE | REVISIONS |
|------|-----------|
|      |           |
|      |           |
|      |           |
|      |           |

SCALE:  
1" = 50'

|               |               |
|---------------|---------------|
| JOB ORDER NO. | 85133         |
| ISSUE DATE    | FEB. 14, 1986 |

PRINTED FEB 20 1986 R-87-98

DUNVALE

YORKWARD ROAD  
FAIRMOUNT ROAD

AVENUE

B.R.-CS-1

LAMBOURNE

B.R.-CSA

B.M.-CSA

HAMPTON APARTMENTS, INC.  
ARTICLES OF TRANSFER  
EHK, JR. 6660/450  
EXISTING USE GARDEN APTS.

HAMPTON APARTMENTS, INC.  
ARTICLES OF TRANSFER  
EHK, JR. 6660/450  
EXISTING USE GARDEN APTS.

EXISTING USE GARDEN APTS.

PROPOSED RAE-2

HAMPTON APARTMENTS, INC.  
ARTICLES OF TRANSFER  
EHK, JR. 6660/450  
EXISTING USE GARDEN APTS.

STEPHEN G. HEAVER  
OTG 575/671  
EXISTING USE - COMMERCIAL

TAUBMAN PROPERTY, INC.  
EHK JR. 6647/475  
EXISTING USE - SHOPPING CENTER

POINT OF BEGINNING

EXISTING ZONING LINE (TYPICAL)  
THE MARDEN CHEVROLET INC.  
RRG44321/ EHK, JR. 5280/511  
EXISTING USE - AUTO SALES / SERVICE

JEFFERY B. & SUSAN M. HAZARD  
EHK, JR. 6463/076  
EXISTING USE - AUTO SALES / SERVICE

STEPHEN E. COLLINS  
DIRECTOR

May 19, 1986

Mr. William Hackett, Chairman  
Board of Appeals  
Office of Law, Courthouse  
Towson, Maryland 21204

Cycle III  
Item No. 13  
Property Owner: Hampton Apartments Joint Venture  
Location: SW/S Yorkward Rd., SE/S Dunvale Rd.  
NW and SE/S of Lambourne Rd.  
D.R. 16, B.R. and B.R.-C.S. 1  
R.A.E. 2  
Existing Zoning: 7.35 acres  
Proposed Zoning: 9th Election District  
Acres:  
District:

Dear Mr. Hackett:

This site can be expected to generate approximately 700 trips per day with the existing zoning and 2400 trips per day with the proposed R.A.E. 2 zoning.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF:lt

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 1, 1986

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000

Chairman

MEMBERS

Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Item No. 13 - Cycle No. III  
Petitioner: Hampton Apartments Joint  
Venture  
Reclassification Petition

Dear Mr. Howard:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April-October reclassification cycle (Cycle III). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before October 22, 1986. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Page Two  
Item No. 13, Cycle III  
October 1, 1986

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 494-3391 or the commenting agency.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kbb (MS018)

Enclosures

cc: Daft - McCune - Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21204

Mr. Arnold Jablon  
County Commissioner  
County Office Building  
Towson, Maryland 21204

APRIL 22, 1986

Re: Zoning Advisory Meeting of CYCLE III-RECLASS.  
Item # 13 - CYCLE III  
Petitioner: HAMPTON APTS. JOINT VENTURE  
Location: SW/S YORKWARD RD. SE/S  
DUNVALE RD. NW & SE/S OF LAMBOURNE RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment AT THIS TIME.
- ☐ A County Review Group Meeting is required.
- ☐ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Traffic Engineering.
- ☐ This site is part of a larger tract therefore it is defined as a subdivision. The plan must show the entire tract.
- ☐ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☐ The circulation on this site is not satisfactory.
- ☐ The parking area arrangement is not satisfactory.
- ☐ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☐ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-93 of the Development Regulations.
- ☐ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☐ The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
- ☐ The property is located in a deficient service area as defined by Bill 119-82. No building permit may be issued until a Deficient Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- ☐ The property is located in a deficient area as defined by a non level intersection as defined by Bill 119-82, and its conditions change the roadways unusably by the County Council.
- ☒ IF SUBJECT PROPERTY IS REZONED ANY FUTURE DEVELOPMENT OF THE SITE MUST MEET THE REQUIREMENTS OF BILL 119-82 AND THE DEVELOPMENT REGULATIONS.

cc: James Howell

Euanna A. Boser  
Chief, Current Planning and Development

PAUL H. REINCKE  
CHIEF

May 13, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: William Hackett  
Chairman, County Board of Appeals

RE: Property Owner: Hampton Apartments Joint Venture  
Location: SW/S Yorkward Rd., SE/S Dunvale Rd.,  
NW & SE/S of Lambourne Rd.  
Item No.: 13 Zoning Agenda: Cycle III  
4/86 - 10/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ☒ 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ☐ 2. A second means of vehicle access is required for the site.
- ☐ 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

- ☐ 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ☒ 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

- ☐ 6. Site plans are approved, as drawn.

- ☐ 7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: *John F. O'Neill*  
Noted and Approved: *John F. O'Neill*  
Fire Prevention Bureau  
Planning Group  
Special Inspection Division

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William F. Hackett - Chairman  
TO: Appeals Board Date: June 24, 1986  
Charles E. "Ted" Burnham  
FROM: Plans Review Chief, Department of Permits & Licenses  
SUBJECT: April - October 1986 - Zoning Classification - - Cycle III

Item #13 Property Owner: Hampton Apartments Joint Venture  
Contract Purchaser:  
Location: SW/S Yorkward Road, SE/S Dunvale Rd., NW and  
SE/S of Lambourne Road  
Existing Zoning: D.R. 16, B.R. and B.R.-C.S.-1  
Proposed Zoning: R.A.E. 2  
Acres: 7.35 acres  
District: 9th. Election District

Not knowing if the proposed increase of density would be additional garden apartments, mid-rise or high-rise, the distance's between structures, from interior property lines and the center lines of streets will be a controlling factor of any proposed construction.

See Section 500.1, Table 501.0, Section 502.2 and line one of Table 401 of the Building Code. The required fire separation distance of existing buildings cannot be violated by new structures less they be put in violation of the Code. The definition of "Fire Separation, Exterior Fire Exposures" on Page 29 of the 1984 B.O.C.A. Building Code describes how to measure the distance separations. This will be a major factor in determining the maximum size, location, and design of any new structures.

CEB/vw

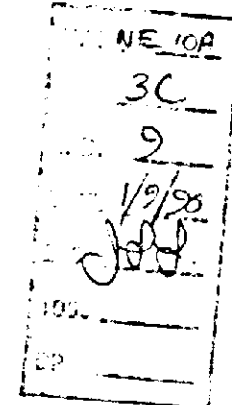


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Legal Owner(s):

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(Type or Print Name)  
Signature John Dorment, General Partner  
(Type or Print Name)  
Signature

Attorney for Petitioner:

John B. Howard  
(Type or Print Name)  
Signature  
Address  
City and State

8403 Loch Raven Boulevard 661-1100  
Address  
Baltimore, Maryland 21204  
City and State  
Name, address and phone number of legal tract purchaser or representative to be contacted:  
John B. Howard  
210 Allegheny Avenue  
Towson, Maryland 21204  
Address  
Phone No.

Attorney's Telephone No.: 823-4111

BABC-Form 1

DAFF-MCCLE-WALKER INC.

200 East Pennsylvania Avenue  
Towson, Maryland 21204  
Telephone: 410-296-3333  
Land Planning Consultants  
Landscape Architects  
Engineers & Surveyors

Description

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Southeast Side of Dunvale Road,  
9th Election District, Baltimore County, Maryland.

Beginning for the same on the centerline of Yorkward Road, 60 feet wide, at a point situate South 31 degrees, 25 minutes 19 seconds East 229.10 feet measured from the intersection of the centerline of Lambourne Road, 60 feet wide, with said centerline of Yorkward Road, thence leaving said point of beginning and running and binding on said centerline of Yorkward Road (1) North 31 degrees 25 minutes 19 seconds West 358.52 feet, thence leaving said centerline of Yorkward Road and running and binding on the centerline of Dunvale Road, 60 feet wide, the two following courses and distances viz; (2) Northwestly by a line curving to the left with a radius of 230.00 feet for a distance of 364.56 feet (the arc of which is subtended by a chord bearing North 76 degrees 49 minutes 49 seconds West 327.58 feet), and thence (3) South 57 degrees 45 minutes 41 seconds West 340.17 feet, thence leaving said centerline of Dunvale Road and running the six following courses and distances viz; (4) South 31 degrees 41 minutes 44 seconds East 130.51 feet, thence (5) North 58 degrees 28 minutes 53 seconds East 20.00 feet, thence (6) South 31 degrees 41 minutes 44 seconds East 200.00 feet to the Northwest side of Lambourne Road, 50 feet wide, thence (7) South 09 degrees 52 minutes 24 seconds East 53.79 feet to the Southeast side of Lambourne

Page 1 of 2

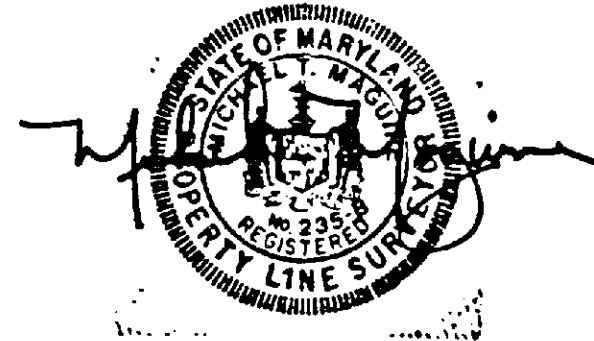
Road, 50 feet wide, thence (8) South 31 degrees 41 minutes 44 seconds East 204.10 feet, and thence (9) North 58 degrees 28 minutes 53 seconds East 570.62 feet to the point of beginning.

Containing 7.35 acres of land, more or less.

Note: This description has been prepared for zoning purposes only and is not intended to be used for conveyance.

Our Job No. 85133 (OD:L85133)

February 25, 1986



Page 2 of 2



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

December 3, 1986

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING RECLASSIFICATION  
SW/S of Yorkward Rd., SE/S Dunvale Rd.,  
NW and SE/S of Lambourne Rd.  
9th Election District  
Hampton Apartments Joint Venture - Petitioner  
Case No. R-87-98 (Cycle III, Item No. 13)

Dear Mr. Howard:

This is to advise you that \$152.75 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. Margaret F. du Bois, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon  
Zoning Commissioner

AJ:med

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21204

February 27, 1986

JAMES H. COOK  
JOHN B. HOWARD  
DAVID D. DOWNES  
DANIEL O.C. TRACY, JR.  
JOHN M. ZINK, III  
JOSEPH C. WICH, JR.  
HENRY B. PECK, JR.  
HERBERT R. O'CONNOR, III  
THOMAS L. HUDSON  
C. CAREY OUELLET, JR.  
GEORGE K. REYNOLDS, III  
LAWRENCE L. HOOPER, JR.  
M. KING HILL, III  
ROBERT A. HOFFMAN  
DEBORAH C. DOPKIN  
CYNTHIA M. HAHN  
KATHLEEN M. GALLOGLY  
KEVIN H. SMITH  
M. BARNETT PETERSON, JR.

JAMES D. C. DOWNES  
(1906-1979)  
TELEPHONE  
(201) 823-4111  
TELECOPIER  
(201) 821-0147

The County Board of Appeals  
of Baltimore County  
Second Floor  
Old Court House  
Towson, Maryland 21204

Re: Petition for Reclassification  
Property located at Fairmount and Yorkward Roads  
Proposed Zoning RAE-2  
Ninth Election District  
Hampton Apartments Joint Venture - Petitioner

Dear Board Members:

This firm represents the Hampton Apartments Joint Venture which is seeking the RAE-2 classification of property located at Fairmount and Yorkward Roads. The present zoning classification for the bulk of the property is DR16 with a small amount of BR and BR-CS1.

Briefly, by way of background, the subject property was designated by vote of the Planning Board on February 26, 1985, to be within the Towson Town Center as defined in section 101 of the Baltimore County Zoning Regulations (BCZR).

Contained in the final addendum to the Towson Town Center Plan, adopted by the County Council on January 5, 1981, is a map of Towson showing the proposed zoning for various properties within the Town Center. That map, attached hereto as Exhibit 1, shows by shading two rather substantial areas of RAE-2 zoning. By comparison to the 1984 Comprehensive Zoning Map for the area, attached hereto as Exhibit 2, it is readily apparent that the areas of RAE-2 zoning (shaded on Exhibit 2) have been substantially reduced in size.

The County Board of Appeals  
of Baltimore County  
February 27, 1986  
page 2

In fact, a visual inspection of these sites shows that they are not being utilized as intended by the RAE-2 zone: the property on Joppa Road, east of Fairmount Avenue, has been developed in part as an office building and the remaining RAE-2 portion does not appear practical for residential use; the area of RAE-2 zoning on Fairmount Avenue has been developed as the "Edenwald" life care facility across from the Towson Town Center shopping mall, the remainder having been rezoned BM-C1 and used commercially.

The alternative development of each of these RAE-2 zoned sites eliminates a suitable location for high density, residential housing that would provide a "walk to" relationship between residential and commercial/office uses. Petitioner submits that the Council could not have intended there be no useable RAE-2 zoning within the Towson Town Center.

Pursuant to section 201.1 BCZR, the statement of legislative policy for the RAE-2 zone reads as follows:

RAE-2 zones provide for development of elevator-apartment buildings at relatively high density in residential settings close to major commercial and cultural centers of the County, where ample utilities and other public facilities are available.

Currently, there is no adequate RAE-2 zoned area close to the major commercial and cultural center of Towson available for the intended elevator apartment development noted in the above statement of policy.

A lack of residential zoning is also in conflict with the County wide Master Plan, adopted November 19, 1979, which, at paragraph 44 of the land use element, calls for a "reinforcement" of the Towson Town Center. Without the capacity for residential development, there can be no reinforcement since a "walk to" relationship is essential to the town center concept.

Moreover, at page 19 of the land use element of the Master Plan, the Towson Town Center is cited as well suited for "residential intensification", which under present zoning, without adequate RAE-2 zoning, is unlikely to take place.

The County Board of Appeals  
of Baltimore County  
February 27, 1986  
Page 3

For these reasons, Petitioner respectfully submits that the County Council erred in its adoption of the 1984 Comprehensive Map by allowing the subject Town Center property to remain in its current zoning classifications without providing adequate high density, high rise residential housing within or near the Towson Town Center.

As substantiated above, it is submitted that placing the RAE-2 zoning classification upon this property would be in keeping with the legislative policy of the RAE-2 zone, and the intent of both the Towson Town Center and Baltimore County Master Plans to provide adequate residential development within the town center.

Petitioner therefore respectfully requests that this Petition for Reclassification be granted.

Yours truly,

John B. Howard

JBH/jhr  
Enclosures

PETITION FOR RECLASSIFICATION

Property located at Fairmount and Yorkward Roads

Proposed Zoning - RAE-2

Ninth Election District

Hampton Apartments Joint Venture - Petitioner



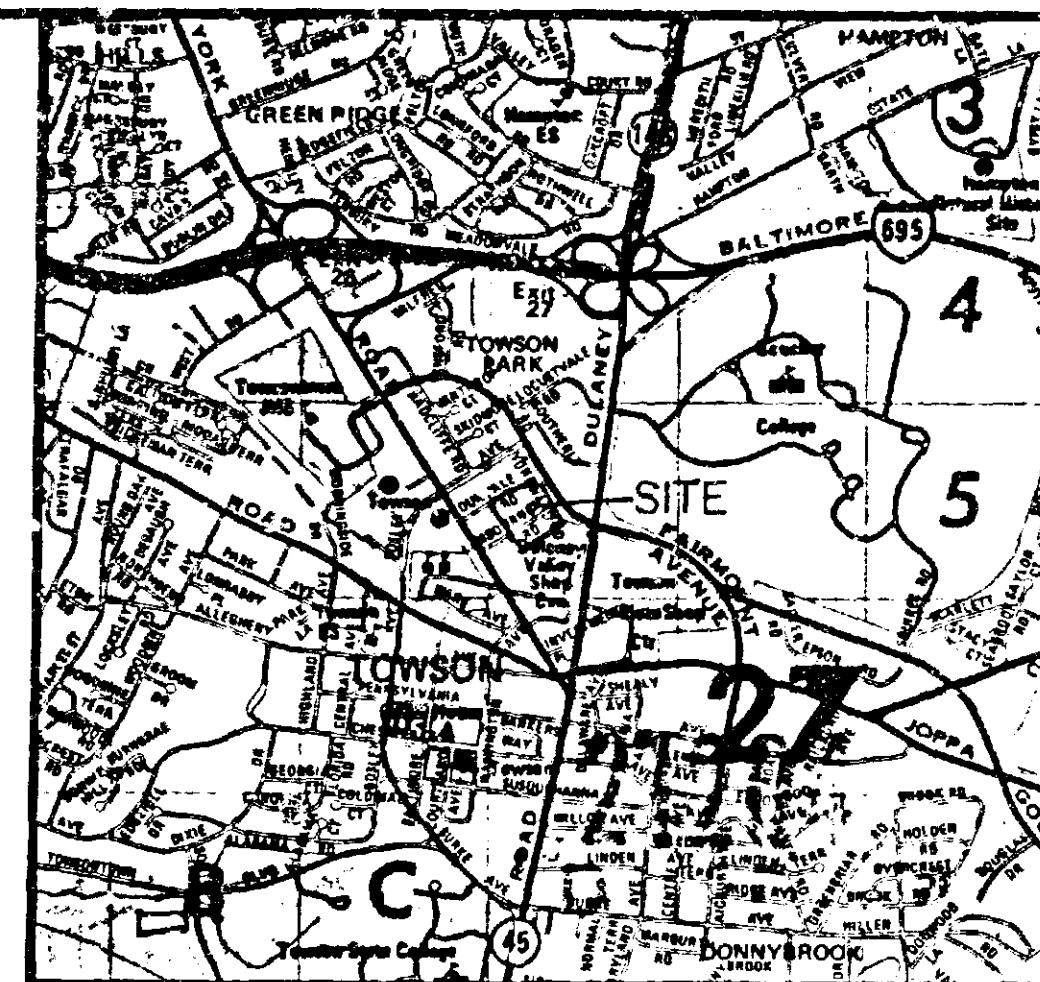








D.R. 16



LOCATION MAP 1" = 2000'

General Notes

1. Existing Zoning: BR, BR-CS-1, DR-16
2. Existing Use: Garden Apartments
3. Proposed Zoning: RAE-2
4. Area of Proposed RAE-2: 7.35 Acres +/-
5. Area of Title Parcels: 5.903 Acres +/-
6. Subject property is within the limits of the Towson Town Center as designated by the Planning Board on February 26, 1985.
7. Subject property is in Ninth Election District and Fourth Councilmanic District.
8. This plat has been prepared from deeds and other title sources and does not represent a survey of the property.

B.R.

D.R. 16

III -13

DAFT · McCUNE · WALKER INC.  
LAND PLANNING CONSULTANTS  
LANDSCAPE ARCHITECTS  
ENGINEERS  
200 EAST PENNSYLVANIA AVE.  
TOWSON, MD 21204  
TELEPHONE: 301-296-3333

PLAT TO ACCOMPANY PETITION  
FOR THE PURPOSE OF  
ZONING RECLASSIFICATION

9TH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

| DATE | REVISIONS |
|------|-----------|
|      |           |
|      |           |
|      |           |
|      |           |

SCALE:  
1" = 50'

|               |               |
|---------------|---------------|
| JOB ORDER NO. | 85133         |
| ISSUE DATE    | FEB. 14, 1986 |

PRINTED FEB 20 1986 R-87-98

DUNVALE

YORKWARD ROAD  
FAIRMOUNT ROAD

AVENUE

B.R.-CS-1

LAMBOURNE

B.R.-CSA

B.M.-CSA

HAMPTON APARTMENTS, INC.  
ARTICLES OF TRANSFER  
EHK, JR. 6660/450  
EXISTING USE GARDEN APTS.

HAMPTON APARTMENTS, INC.  
ARTICLES OF TRANSFER  
EHK, JR. 6660/450  
EXISTING USE GARDEN APTS.

EXISTING USE GARDEN APTS.

PROPOSED RAE-2

HAMPTON APARTMENTS, INC.  
ARTICLES OF TRANSFER  
EHK, JR. 6660/450  
EXISTING USE GARDEN APTS.

STEPHEN G. HEAVER  
OTG 575/671  
EXISTING USE - COMMERCIAL

TAUBMAN PROPERTY, INC.  
EHK JR. 6647/475  
EXISTING USE - SHOPPING CENTER

POINT OF BEGINNING

EXISTING ZONING LINE (TYPICAL)  
THE MARDEN CHEVROLET INC.  
RRG44321/ EHK, JR. 5280/511  
EXISTING USE - AUTO SALES / SERVICE

JEFFERY B. & SUSAN M. HAZARD  
EHK, JR. 6463/076  
EXISTING USE - AUTO SALES / SERVICE



STEPHEN E. COLLINS  
DIRECTOR

May 19, 1986

Mr. William Hackett, Chairman  
Board of Appeals  
Office of Law, Courthouse  
Towson, Maryland 21204

Cycle III  
Item No. 13  
Property Owner: Hampton Apartments Joint Venture  
Location: SW/S Yorkward Rd., SE/S Dunvale Rd.  
NW and SE/S of Lambourne Rd.  
D.R. 16, B.R. and B.R.-C.S. 1  
R.A.E. 2  
Existing Zoning: 7.35 acres  
Proposed Zoning: 9th Election District  
Acres:  
District:

Dear Mr. Hackett:

This site can be expected to generate approximately 700 trips per day with the existing zoning and 2400 trips per day with the proposed R.A.E. 2 zoning.

Very truly yours,

Michael S. Flanigan  
Traffic Engineer Associate II

MSF:lt

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 1, 1986

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000

Chairman

MEMBERS

Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

John B. Howard, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Item No. 13 - Cycle No. III  
Petitioner: Hampton Apartments Joint  
Venture  
Reclassification Petition

Dear Mr. Howard:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April-October reclassification cycle (Cycle III). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before October 22, 1986. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Page Two  
Item No. 13, Cycle III  
October 1, 1986

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 494-3391 or the commenting agency.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kbb (MS018)

Enclosures

cc: Daft - McCune - Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21204

Mr. Arnold Jablon  
County Commissioner  
County Office Building  
Towson, Maryland 21204

APRIL 22, 1986

Re: Zoning Advisory Meeting of CYCLE III-RECLASS.  
Item # 13 - CYCLE III  
Petitioner: HAMPTON APTS. JOINT VENTURE  
Location: SW/S YORKWARD RD. SE/S  
DUNVALE RD. NW & SE/S OF LAMBOURNE RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment at this time.
- ☐ A County Review Group Meeting is required.
- ☐ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Traffic Engineering.
- ☐ This site is part of a larger tract therefore it is defined as a subdivision. The plan must show the entire tract.
- ☐ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☐ The circulation on this site is not satisfactory.
- ☐ The parking area arrangement is not satisfactory.
- ☐ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☐ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-93 of the Development Regulations.
- ☐ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☐ The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
- ☐ The property is located in a deficient service area as defined by Bill 119-2. A building permit may be issued until a Reserving Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- ☐ The property is located in a deficient area as defined by a non level intersection as defined by Bill 119-2, and its conditions change the roadways unusably by the County Council.
- ☒ IF SUBJECT PROPERTY IS REZONED ANY FUTURE DEVELOPMENT OF THE SITE MUST MEET THE REQUIREMENTS OF BILL 119-2 & 22-93 THE DEVELOPMENT REGULATIONS.

cc: James Howell

Euanna A. Boser  
Chief, Current Planning and Development

PAUL H. REINCKE  
CHIEF

May 13, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: William Hackett  
Chairman, County Board of Appeals

RE: Property Owner: Hampton Apartments Joint Venture  
Location: SW/S Yorkward Rd., SE/S Dunvale Rd.,  
NW & SE/S of Lambourne Rd.  
Item No.: 13  
Zoning Agenda: Cycle III  
4/86 - 10/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ☒ 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ☐ 2. A second means of vehicle access is required for the site.
- ☐ 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

- ☐ 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ☒ 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

- ☐ 6. Site plans are approved, as drawn.

- ☐ 7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: Noted and Approved: John F. O'Neill  
Planning Group  
Special Inspection Division

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William F. Hackett - Chairman  
TO: Appeals Board Date: June 24, 1986  
Charles E. "Ted" Burnham  
FROM: Plans Review Chief, Department of Permits & Licenses  
SUBJECT: April - October 1986 - Zoning Classification - - Cycle III

Item #13  
Property Owner: Hampton Apartments Joint Venture  
Contract Purchaser:  
Location: SW/S Yorkward Road, SE/S Dunvale Rd., NW and  
SE/S of Lambourne Road  
Existing Zoning: D.R. 16, B.R. and B.R.-C.S.-1  
Proposed Zoning: R.A.E. 2  
Acres: 7.35 acres  
District: 9th. Election District

Not knowing if the proposed increase of density would be additional garden apartments, mid-rise or high-rise, the distance's between structures, from interior property lines and the center lines of streets will be a controlling factor of any proposed construction.

See Section 500.1, Table 501.0, Section 502.2 and line one of Table 401 of the Building Code. The required fire separation distance of existing buildings cannot be violated by new structures less they be put in violation of the Code. The definition of "Fire Separation, Exterior Fire Exposures" on Page 29 of the 1984 B.O.C.A. Building Code describes how to measure the distance separations. This will be a major factor in determining the maximum size, location, and design of any new structures.

CEB/vw